

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

CASE NO.: 15-CR-378

*Plaintiff,*

vs.

FREDY RENAN NAJERA MONTOTOYA,

*Defendant.*

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**NOTICE OF INTENT TO RELY ON EXPERT WITNESS TESTIMONY**

Pursuant to Federal Rule of Criminal Procedure 16(f)(b)(1)(C), Defendant, Fredy Najera Montotoya, files this *Notice of Intent to Rely on the Expert Witness Testimony* of Honduran Attorney and former criminal judge Luis Adolfo Cruz-Rivera. Pursuant to Federal Rules of Evidence 702, 703 and 704, the Defendant intends to offer the following:

(1). Mr. Luis Adolfo Cruz-Rivera is a Honduran attorney that served for 15 years as a criminal judge in both the City of La Ceiba, Department of Atlantida and San Pedro de Sula, Department of Cortes. He has been in private practice for the last nine (9) years.

(2). Mr. Cruz-Rivera is an expert in the field of Honduran criminal jurisprudence.

(3). Mr. Cruz-Rivera has reviewed the judicial proceedings in Case Number 417-2012 before the Honorable Supreme Court of the Republic of Honduras charging Mr. Najera with the death of Rigoberto Mendez.

(4). Based upon his review of the record, Mr. Cruz-Rivera has formulated an opinion as to the judicial effect of the Honduran Supreme Court's decision regarding Fredy Najera Montoya.

(5). Mr. Cruz-Rivera has concluded that the Honduran Supreme Court remanded the case for a new trial and has opined as follows regarding the judicial effect of the remand:

(a) No final judgment has been entered regarding Mr. Najera's guilt or innocence.

(b) According to Honduran criminal jurisprudence, Mr. Najera is presumed innocent of the charges until a final judgment has been entered by a court of competent jurisdiction.

(6) Attached is the expert report containing Mr. Cruz-Rivera's findings as well as an English translation of the duly authenticated report by the Honduran Bar Association.

Respectfully Submitted,

/s/ Joaquin Perez /

Joaquin Perez, Esq.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that this document has been filed with the Clerk of Court using the CM/ECF Filing System on this 6<sup>th</sup> day of October 2021.

/s/ Joaquin Perez

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Joaquin Perez, Esq.